an>

Title: Regarding Creamy layer in reservation for SCs/STs.

SHRI CHENGARA SURENDRAN (ADOOR): I would like to raise an important matter regarding the creamy layer in reservation for Scheduled Castes and Scheduled Tribes. The hon. Supreme Court of India in pronouncing judgement on a bench of petitions challenging constitutional validity of various amendments made in the Constitution providing reservations, on 19th October 2006 held that "Creamy Layer" should be excluded from the reservation for the Scheduled Castes and Scheduled Tribes in Government jobs.

At the outset, I would say that it is against the letter and spirit of the Constitution of India. Reservation for Scheduled Castes and Scheduled Tribes in recruitment to Government service was provided in the Constitution considering their social and educational backwardness. So, the basis for reservations is social and educational backwardness and not economic backwardness. So also, it is to be noted that the provision of reservation is not for getting some employment to this folk but for getting their participation in the administration of the country.

I would, therefore, submit that the Union Government may prepare, present and pass a Bill for amendment of Constitution in this Session itself to tide over this situation.

MR. CHAIRMAN: Shri Mahtab, your subject is the same. You can associate with him.